

COMMISSIONERS PROCEEDINGS
AUGUST 19, 2003
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Morris, Stanton, and Pridemore, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Stanton to approve items 1 through 11, with the exception of the minutes for 7-29-03, which are a portion of agenda item 9. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 32)

The Board of County Commissioners' hearing adjourned and reconvened as the Board of Health.

CONSENT AGENDA

There being no public comment, **MOVED** by Morris to approve items 1 through 4. Commissioners Pridemore, Morris and Stanton voted aye. Motion carried. (See Tape 32)

Hearing adjourned.

The Board reconvened as the Board of County Commissioners.

PUBLIC HEARING: ROAD IMPROVEMENT REIMBURSEMENT AREA 2003-01

Held a public hearing to consider the establishment of Road Improvement Reimbursement Area 2003-01. This proposed Reimbursement Area would be established in accordance with Clark County Code Chapter 12.36 (Road Improvement Reimbursement). A Resolution relating to the Sufficiency of the Reimbursement Area proposal was adopted by the Board of County Commissioners on May 27, 2003. **Note that existing residences and businesses would not be assessed a reimbursement charge unless those properties were to go through a redevelopment process and generate additional traffic.**

The proposed Reimbursement Area would be east of Interstate 5 in the Salmon Creek area of the County. The area would be irregular in shape but extends as far north as NE 179th Street, as far east as NE 50th Avenue, as far south as the Salmon Creek waterway, and as far west as Interstate 5. The establishment of the Reimbursement Area was requested by Legacy Health

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Systems, which is in the process of developing a hospital complex south of NE 139th Street in Salmon Creek. As part of their development approval, Legacy was required to construct NE 23rd Avenue between NE 134th Street and NE 139th Street. Clark County code allows developers to recover some of their costs of constructing public roadways from future developers that would benefit from the improvements. As previously stated, existing residences and businesses not planning to redevelop and already approved developments would not be assessed a reimbursement charge.

Hearing continued from July 22, 2003.

Steve Schulte, Department of Public Works, presented. Schulte indicated that there were no changes to the proposal. Schulte said he spoke with Joe Kunkel and Larry Hill, who have no legal arguments to make with respect to the issues that came up in the initial public hearing – the constitutional issues or the adjacency question. He said they have no additional information to provide the county, but had reiterated that they still expect the county to establish the latecomer reimbursement area per the language in the Developer Agreement. He said they would be willing to modify the proposal to downsize the geographic area and to reduce the dollar amount, which could be significant.

Rich Lowry, Prosecuting Attorney's Office, said that as the Board is aware, staff was uncomfortable with this proposal because of the difficulty in making the required finding that properties within the reimbursement area would have been required to do a portion of this improvement when they came in for development. At the hearing, staff belatedly discovered that there's also an adjacency requirement in the statute. Lowry said particularly because of the latter, it is not a legally supportable assessment area and that the Board didn't have any choice but to turn it down. He said they could, however, turn it down without prejudice to the ability of Legacy to come in with a defensible proposed assessment area. He added that because it would be so different from the one they have before them now, it would have to be re-advertised.

There was no public comment.

Morris asked for verification – was Lowry's recommendation that they reject the agreement?

Lowry said yes, but specifically without prejudice so it leaves the option open for coming in with a different proposal that meets the adjacency requirement.

There being no public comment, **MOVED** by Morris to reject the request to establish Road Improvement Reimbursement Area 2003-01 as requested by Legacy Health Systems, and that they do so without prejudice. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 32)

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Morris apologized to Legacy. She said this has probably been disconcerting to them and that it was an honest mistake. She said perhaps they could bring it back in a more workable proposal.

Lowry stated that the county incurred a substantial cost for legal publications so although it's probably frustrating for them, Legacy did not incur significant out-of-pocket costs.

Pridemore said they need to have a full discussion regarding their policies in terms of the reimbursement area.

Lowry said the one's they have in place arguably meet the adjacency requirement.

There was brief discussion regarding adjacency.

Schulte noted that a work session has been scheduled 2-3 weeks out in order to discuss the issue.

Hearing adjourned.

BOARD OF COUNTY COMMISSIONERS

Craig A. Pridemore/s/
Craig A. Pridemore, Chair

Betty Sue Morris/s/
Betty Sue Morris, Commissioner

Judie Stanton, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board